FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FAMILY COURT APPEAL NO.67 OF 2003 AND 69 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Appellant present in person. Respondent present in person.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.
DATED : 17/12/2004.

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P.C.

1. The appellant and respondent are present in court. These two appeals are filed against the Judgment and order of the Family Court dated 30.4.2003 in M.J.Petition No.745 of 1998 and Petition No.Petition No. C-222/1997. Petition No.745/1998 was filed by the husband seeking divorce on the ground of cruelty. Petition No.C-222/1997 was filed by the respondent wife for seeking maintenance. Family Court has dismissed divorce petition and has granted maintenance at certain rate in the impugned Judgment and order. Both these Judgments and orders are challenged in these appeals.

2. During the pendency of these appeals, appellant and respondent have arrived at understanding and they tendered consent terms dated 7.12.2004 signed by both of them. Both are present in court. They have agreed for divorce by mutual consent under Section 13B of the Hindu Marriage Act. They have provided for various terms of settlement in the consent terms. The said consent terms are taken on record and marked "Exh.A" for identification. In view of the understanding and consent terms signed by the parties, petition filed by the appellant-husband being Petition No.745/1998 shall be treated

as joint petition filed by the husband as well as respondent wife and in view of the time which has gone in the mean while, it shall be taken that statutory period as provided under section-13B has already expired. In the circumstances, we accept these consent terms and dissolve the marriage between the appellant and the respondent under Section 13B of the Hindu Marriage Act under this order passed by this court.

3. The appellant husband has already paid an amount of Rs.83,000/- to the respondent by way of full settlement. The respondent accepts that cheque given by the appellant-husband which has already been encashed and she has received the said amount. The appellant has also handed over passport and the birth certificate of the child Priyanka to the respondent in court and she has received the same. The appellant husband has deleted the name of the respondent wife from the ration card and he has handed over the document of the rationing department to the wife. Both the appeals stand disposed of in terms of this order.

(R.S.MOHITE,J.) **(H.L.GOKHALE, J.)**